



Michigan Supreme Court
State Court Administrative Office
Michigan Hall of Justice
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John D. Ferry, Jr., State Court Administrator

M E M O R A N D U M

DATE: September 24, 2004

TO: Circuit, District and Municipal Court Judges
cc: Clerks of Court

FROM: John D. Ferry, Jr.

SUBJ: SCAO Administrative Memorandum 2004 - 12
Application and Hearing to Set Aside Conviction

An application to set aside a conviction pursuant to MCL 780.621 requires the applicant to submit a copy of the application and fingerprints to the Department of State Police (MSP). MSP must:

- compare those fingerprints with their records;
- forward a complete set of fingerprints to the Federal Bureau of Investigation (FBI) for a comparison with their records;
- report to the court in which the application is filed the information contained in the department's records with respect to any pending charges against the applicant, any record of conviction of the applicant, and the setting aside of any conviction of the applicant; and
- report to the court any similar information obtained from the FBI.

In addition, the Attorney General's office and the local prosecuting attorney receive a copy of the report from MSP in order to determine whether they will contest the application.

The Criminal Justice Information Center, MSP's record repository, indicates that the time to acquire and review the state and federal records, and forward the report to the court, Attorney General, and local prosecutor, requires a minimum of 60 days between the date the application is filed and the hearing date.

Clerks of the court and other staff who schedule the hearing are hereby requested to schedule the hearing on the application no sooner than 60 days from the date the application is filed with the court. See the SCAO form [MC 227](#), Application to Set Aside Conviction used for this purpose.

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Judges are prohibited from acting upon the application until MSP reports the required information to the court. The hearing must be rescheduled if the report has not been received by the hearing date.

Implementation questions may be directed to:

Circuit Court:	Dawn Childress	517-373-3756
District and Municipal Court:	Sandi Hartnell	517-373-0122